Tom Montoya, Chief of Enforcement

Kelly Hunt, Senior Agent

Jason Allen, Agent





Agenda

- Liquor Licensing Process
- New Legislation
- New Application Forms
- Sample Ordinances/Resolutions



Application Process

- Liquor licenses belong to the city/county Per W.S. 12-4-101
 - (a) Incorporated cities, towns and counties within Wyoming shall license and regulate or prohibit the retail sale of alcoholic and malt beverages under this title.

Licensing authority has all the control to approve or deny a license

Liquor Law Updates Application Process



- Application Flocess
- WLD is a partner in the licensing process
- Review applications within 10 working days
 Per W.S. 12-4-104 (d)
 (Importance of sending the app immediately)
- WLD does not approve/deny an application
 - Verify qualifications required by law

Liquor Law Updates Application Process



- Correction Notices-
 - Local clerk contacts the applicant to complete the app and forwards the updates to the WLD
- WLD does not send formal notification if an app is complete
 - Due to minimal staff and high volume of apps/licensing authorities



Licensing Authority – Hearing Results

- Communication is vital!
 - What is communicated and when are important
- Approved & issued- business is ready to open to the public
 - WLD allows the applicant to order product
- Approved & not issued- still needs to pass inspections/building not ready/CO
 - WLD does not allow ordering
- Disapproved- application has been denied

Liquor Law Updates Application Process



- Ultimate goal:
 - A complete app for the governing body
 - Has the best information possible
 - Can make the best decision for their community
- Maintains a smooth process



New Legislation

Many old laws will be repealed

Major changes coming.....



New Legislation-Revocation Process

- Senate File SF0011/ Enrolled Act #6
- Effects W.S. 12-7-201

Civil action; administrative and judicial proceedings; disposition of liquors.

- Removes the revocation proceeding from the office of administrative hearings
- Notification process for suspensions and revocations
- Appeals go to state board of equalization



New Legislation- Manufacturing (Distilleries)

- Senate File SF0013/ Enrolled Act #12
- Effects W.S. 12-2-203

Manufacturing and rectifying; importing and industry representatives; licensing; fees.

- Original statute was very vague
- Adding additional language to strengthen the statute
- Product must be produced and packaged at the licensed facility within Wyoming



New Legislation- Non Operational

- Senate File SF0014/ Enrolled Act #69
- Effects W.S. 12-1-101

Definitions

- Must be open on a weekly basis- previous was only 3 consecutive months
- Provision for seasonal licenses- remains 3 consecutive months
- Authorizes licensing authority to determine what qualifies as a seasonal operation



New Legislation- Non Operational

- Senate File SF0014/ Enrolled Act #69
- Effects W.S. 12-4-103

Restrictions upon license or permit applicants and holders; license limitation per person.

- Can be non-operational for 1 year after issuanceprevious was 2 years
- Upon showing of good cause- can get an additional
 1 year



New Legislation- Non Operational

- Senate File SF0014/ Enrolled Act #69
- Effects W.S. 12-4-103

Restrictions upon license or permit applicants and holders; license limitation per person.

 Once operational/open license holder must remain operational- no license holder can be nonoperational without the consent of the local licensing authority due to extraordinary circumstances



New Legislation- Archaic Laws

- Senate File SF0043/ Enrolled Act #19
- Effects W.S. 12-4-101

Authority of cities, towns and counties; population figures; number of available licenses and permits; assessment of fees.

• Removes the requirement to submit fees in cash or by certified check



New Legislation- Archaic Laws

- Senate File SF0043/ Enrolled Act #19
- Effects W.S. 12-4-103

Restrictions upon license or permit applicants and holders; license limitation per person.

- Removes the restriction for elected officials or law enforcement officers from holding a liquor license in their personal name
- Removes the minimum purchase requirement of \$500 for clubs, restaurants & county malt beverage
- A retail license can not be renewed if the licensee did not purchase at least \$2,000 of alcoholic or malt beverages per year



New Legislation- Archaic Laws

- Senate File SF0043/ Enrolled Act #19
- Effects W.S. 12-4-104

Preference right.

 Removes the preference right for previous license holder- no longer needed



New Legislation- Archaic Laws

- Senate File SF0043/ Enrolled Act #19
- Effects W.S. 12-4-202

Licenses or permits issued prior to April 1, 1961; replacements.

• Licenses or permits issued prior to April 1, 1961no longer needed



New Legislation- Archaic Laws

- Senate File SF0043/ Enrolled Act #19
- Effects W.S. 12-4-407

Restaurant liquor license; authorized.

- Removes the population formula used to determine the number of licenses authorized
- All jurisdictions are now unlimited



New Legislation- Archaic Laws

- Senate File SF0043/ Enrolled Act #19
- Effects W.S. 12-4-410 (c)(Restaurants)

Sales of alcoholic beverages for off-premises consumption prohibited; location, regulation and dispensing of liquor; prohibiting certain activities.

- Hours of operation were eliminated- no standard for sales hours
- Authorizes the local licensing authority to establish hours of operation for alcohol sales



New Legislation- Archaic Laws

- Senate File SF0043/ Enrolled Act #19
- Effects W.S. 12-4-504

Special malt beverage permit for public auditoriums, civic centers or events centers.

- Removes the qualifications for a special malt beverage permit
- Authorizes the local authority to implement rules for qualifying



New Legislation- Archaic Laws

- Senate File SF0043/ Enrolled Act #19
- Effects W.S. 12-5-101

Hours of sale generally; exceptions; designation of dates for unrestricted operation.

- Removes the standard hours for sales set previously from 6 am to 2 am the following day
- Authorizes the local licensing authority to establish hours of operation for alcohol sales



New Legislation- Archaic Laws

- Senate File SF0043/ Enrolled Act #19
- Effects W.S. 12-5-204

Prohibited acts within dispensing room; violation cause for suspension or revocation of license or permit.

- Removes the prohibited acts section from Title 12gambling, prostitution, public indecency or obscenity
- Acts are addressed under Title 6- criminal code



New Legislation- Archaic Laws

- Senate File SF0043/ Enrolled Act #19
- Effects W.S. 12-8-201

Possession of federal tax stamp; admission in evidence.

- Removes the requirement to possess a special tax stamp
- Federal government no longer issues/requires this tax stamp



New Legislation- Dispensing Rooms

- Senate File SF0045/ Enrolled Act #33
- Effects W.S. 12-4-102

Application for licenses and permits; contents; signature and verification.

- Removes the description of a room from the application except for restaurant applicants
- W.S. 12-4-410 (b), "No consumption of alcoholic or malt beverages shall be permitted within the dispensing room."
- Requires location (address) of the licensed buildingreplaces "room" with "building"



New Legislation- Dispensing Rooms





New Legislation-Dispensing Rooms

- Senate File SF0045/ Enrolled Act #33
- Effects W.S. 12-4-301

Sales by clubs; license fees; petition; license restrictions.

- Allows sales anywhere on the <u>licensed premises</u> as approved by the local licensing authority
- No longer required to ensure consumption is made within the building



New Legislation- Dispensing Rooms

- Senate File SF0045/ Enrolled Act #33
- Effects W.S. 12-4-410

Sale of alcoholic beverages for off-premises consumption prohibited; location, regulation and restrictions on dispensing of liquor; prohibiting certain activities.

- Dispensing rooms still required for restaurants- as approved by the local licensing authority
- Definition of a room moved to restaurant law



New Legislation- Dispensing Rooms

- Senate File SF0045/ Enrolled Act #33
- Effects W.S. 12-5-201/others

Location, regulation and restrictions as to place of sale; inspections.

- Removes the "room" requirement and replaces with "licensed building"- with the exception of restaurants
- Removes the additional room fee & daily dispensing room permits- no longer necessary
- Allows more than one license holder to operate within the same building- leases will manage



New Legislation- Dispensing Rooms

- Senate File SF0045/ Enrolled Act #33
- Effects W.S. 12-5-203

Minors restricted from dispensing room; exception; penalty.

- Removes the minors restrictions- less restrictive
- Removes the 10 pm rule- no longer necessary



New Legislation- Dispensing Rooms

- Senate File SF0045/ Enrolled Act #33
- Effects W.S. 12-5-301

Conditions for operation. (Drive Up Windows)

• Removes the regulations for drive up windows



New Legislation-Dispensing Rooms

- Senate File SF0045/ Enrolled Act #33
- Effects W.S. 12-6-101

Sale or possession prohibited; when possession unlawful; public drunkenness; falsification of identification; penalty; prima facie identification as defense.

 Individuals under 21 must be accompanied by a parent/guardian who is 21 or older in the sales area in package stores



New Legislation- Bar & Grill Licenses

- Senate File SF0155/ Enrolled Act #62
- Effects W.S. 12-4-413

Bar and grill liquor license; authorized; requirements.

• Increase in Bar & Grill licenses for 13 jurisdictions



New Legislation- Bar & Grill Licenses

- Senate File SF0155/ Enrolled Act #62
- Effects W.S. 12-4-413

Casper	6	Laramie	6
Cheyenne	6	Lander	3
Cody	2	Rawlins	3
Evanston	3	Riverton	3
Gillette	6	Rock Springs	6
Green River	3	Sheridan	2
Jackson	3		



New Legislation- New Application Forms

h (607) on			FOR LIQUOR DIVISION USE ONLY			
NEW OR TR	ANSFER	Customer				
LIQUOR LIC	ENGE OD	Trf from:				
		Reviewer Agent:	Initials Date			
PERMIT APP	LICATION	Chief:	1 /			
To be completed by City/Count	y Clerk Local Lice	ise #				
License Fees Annual Fee: \$		with clerk:				
Prorated Fee: \$ Transfer Fee: \$	Advertisin	g Dates: (2 Wee	ks)			
Publishing Fee: \$	Hearing D	ate:	<u> </u>			
Publishing Fee Direct Billed to Applicant						
License Term:/ Month Dar	/ Year Throu	gh	Day Year			
LICENSING AUTHORITY: Begin publishing OR DENY THE APPLICATION UN	TIL THE LIQUOR DIVISION HA	S CERTIFIED TH	E APPLICATION IS COMPLETE.			
Applicant:						
Trade/Business Name (dba):						
Building to be licensed/Building Address:	Number & Stre	et				
	City	Sun	a Zio County			
Mailing Address:	.,	Sten	a Zp County			
maining radioss.	Number i	Street or P.O. Box				
	City	State	zip			
Business Telephone Number: ()	F8	ax Number: ()			
E-Mail Address:						
Brief legal description and the zoning of	he licensed building or site for	r licensed buildi	ng: W.S. 12-4-102 (a) (vi)			
FILING FOR	FILING IN (CHOOSE OF	JI Y ONE)	FILING AS (CHOOSE ONLY ONE)			
□ NEW LICENSE	CITY OF:	all one,	□ INDIVIDUAL			
☐ TRANSFER OF LOCATION	COUNTY OF:		PARTNERSHIP LP/LLP			
_ none en control			LLC			
☐ TRANSFER OWNERSHIP	☐ ASSIGNMENT LETTI					
FORMERLY HELD BY:			ORGANIZATION ASSOCIATION/OTHER (Trusts, etc)			
TYPE	OF LICENSE OR PERMIT	(CHOOSE ONL)	Y ONE)			
RETAIL LIQUOR LICENSE	☐ RESTAURANT LIQUOR	RLICENSE	☐ MICROBREWERY			
ON-PREMISE ONLY (BAR)	RESORT LIQUOR LICENSE		☐ WINERY ☐ DISTILLERY SATELLITE			
☐ OFF-PREMISE ONLY	LIMITED RETAIL (CLUB)		☐ WINERY SATELLITE ☐ COUNTY RETAIL or SPECIAL			
(PACKAGE STORE)	VETERANS CLUB FRATERNAL CLUB		MALT BEVERAGE PERMIT			
COMBINATION ON/OFF PREMISE (BOTH BAR & PACKAGE STORE)	GOLF CLUB					
To Assist the Liquor Division with schedul FULL TIME (e.g. Jan through Dec)	ling inspections: WHEN DO ' SEASONAL/PART-TIM		? ☐ NON-OPERATIONAL/PARKED			
(specify months of operation)	DAYS OF WEEK (e.g. Mon		HOURS OF OPERATIONAL PARKED			
from to	from to		from to			
ALL APPLICANTS MUST COMPL	ETE QUESTIONS 1- 6					
1. BUILDING OWNERSHIP: Does the	applicant? W.S. 12-4-103	3 (a) (iii)				
(1) OWN the licensed building?			YES (own)			
(2) LEASE the licensed building?	(Lease must be through the terr	n of the liquor lices	nse) YES (lease)			
If Yes, please submit a copy of the						
(A) When the lease expires, lo						
	i for alcoholic or malt beverag r SALE OF ALCOHOLIC or MAL		n pageparagraphof lease.			

RENEWA	AL OF	Customer	FOR LIQUOR D	NVISION USE OF	NLY
		Trf from:			
LIQUOR LIC	ENSE OR	Reviewer.	Initials	Da	ite
PERMIT APP	LICATION	Agent:		/	/
		Chief:			
To be completed by City/Count	Local License				
License Fees Annual Fee: \$ Prorated Fee: \$	Date filed with Advertising Da		/	_/	-
Transfer Fee: \$		103. (2 1100	&		
Publishing Fee: \$ Publishing Fee Direct Billed to Applican	Hearing Date:	_	/	/	-
- "	_				
License Term: / Month Day	y Year Through	Month	/ Day	/	ear
LICENSING AUTHORITY: Begin publishing OR DENY THE APPLICATION UP	g promptly. As W.S. 12-4-104(d) speci NTIL THE LIQUOR DIVISION HAS CE	fies: NO LICE ERTIFIED TH	NSING AUTH	ORITY SHALL ON IS COMPLE	APPROVE TE.
pplicant:					
Trade/Business Name (dba):					
Building to be licensed/Building Address	3				
	Number & Street				
	City	State	i Zip	Count	у
Mailing Address	Number & Stree	et or P.O. Box			
	City	State		7in	
				Δр	
Business Telephone Number: ()_ F-Mail Address:	Fax No	umber: ()		
Brief lengt description and the zoning of	the licensed building or site for lice	anced huildin	no: W S 12-4	-102 (a) (vi)	
Brief legal description and the zoning of	the licensed building or site for lice	ensed buildi	ng: W.S. 12-4	-102 (a) (vi)	
	the licensed building or site for lice			-102 (a) (vi)	ONLY ONE)
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MINIMUM PURCHASE Retail Liquor License Holders Only:	FILING IN (CHOOSE ONLY		FILING A	AS (CHOOSE O	ONLY ONE)
MINIMUM PURCHASE Retail Liquor License Holders Only: Have you purchased \$2,000 in spirits, wines and/or malt beverages	FILING IN (CHOOSE ONLY		FILING A	AS (CHOOSE O	ONLY ONE)
MINIMUM PURCHASE Retail Liquor License Holders Only: Have you purchased \$2,000 in spirits, wines and/or mall beverages during the previous license term?	FILING IN (CHOOSE ONLY		FILING A INDIVID PARTN LP/LLP LLC CORPC	AS (CHOOSE OF THE PROPERTY OF	ONLY ONE)
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New Legislation-Sample Ordinances/Resolutions

Licensed Building Restrictions.

A. Except as provided in this section, no licensee or agent, employee or server thereof shall knowingly permit any person under the age of twenty-one (21) years to enter or remain in the licensed building where alcoholic or malt beverages are dispensed in an establishment that provides adult entertainment and/or is primarily for on-premise consumption where the primary source of revenue from the operation is from the sale of alcoholic or malt beverages unless:

(Specifically restrict bars and exotic dancing establishments)

1. The establishment is operating a restaurant with a commercial kitchen where the primary source of revenue from the operation is from the sale of food and not from the sale of alcoholic or malt beverages;

(Allows establishments that are primarily restaurants)



New Legislation-Sample Ordinances/Resolutions

Licensed Building Restrictions.

2. The establishment operates a commercial kitchen, persons under the age of twenty-one (21) years may enter or remain in the licensed building until the hour of _____p.m;

(Allows establishments that are primarily bars that serve meals)



New Legislation-Sample Ordinances/Resolutions

Licensed Building Restrictions.

- 3. Limited Retail Licenses (Clubs) are exempt from the age restrictions listed above;
 - a. Limited Retail License holders may dispense alcoholic or malt beverages from locations outside of their licensed building as approved by the governing body.

(Clubs can sell anywhere on their licensed premises- may want to consider restricting to just a few days per year for special events)



New Legislation-Sample Ordinances/Resolutions

Licensed Building Restrictions.

4. Any other establishment approved by the governing body.

(Examples: Bowling alleys, hotels, theaters, civic/event centers, family entertainment centers, etc)

5. Establishments that operate primarily for off-premise sales shall maintain a separate area for the sale alcoholic or malt beverages.

(Examples: Grocery stores will need to have an age restricted area to prevent alcoholic beverages from being sold next to milk or cookies per W.S. 12-6-101(c)(iv))



New Legislation-Sample Ordinances/Resolutions

Hours of Operation.

Α.	Licensees may begin alcoholic or malt beverage sales in the licensed building
	at a.m. and shall close and cease the sale of both alcoholic and
	malt beverages promptly at the hour of a.m.
	the following day. In addition, licensees shall clear the licensed building
	of all persons other than bona fide employees by a.m.
	(May want to have different Sunday hours)

B. Hours of operation may be modified on no more than _____ days each calendar year where all license holders may sell alcoholic or malt beverages for up to twenty-four (24) hours as approved by the governing body. All license holders shall have the same dates.

(4 days per year of 24 hour sales was removed)



New Legislation-Sample Ordinances/Resolutions

Public Auditoriums, Civic Centers or Event Centers.

- A. The governing body may issue a special malt beverage permit to any reasonable person or organization for sales of malt beverages at public auditoriums, civic centers or events centers.
 - 1. To qualify for a special malt beverage permit, the governing body shall require that:

(Examples of qualifiers)

a. The public auditorium, civic center or events center shall be an enclosed building owned by the county, city or town containing meeting rooms, kitchen facilities and an auditorium which seats at least _____ persons and is used for public gatherings;



New Legislation-Sample Ordinances/Resolutions

Public Auditoriums, Civic Centers or Event Centers.

b. A stadium utilized for a public event,

(Examples: football/baseball stadiums, racetracks, outdoor arenas, rodeo grounds, etc.)

c. The person or organization holding the special malt beverage permit holds a written agreement with the building owner giving said person the right to sell malt beverages within the building for which the permit will be effective.

(Written acknowledgement for both the permit holder and building owner that malt beverages will be sold on the premises)



New Legislation-Sample Ordinances/Resolutions

Public Auditoriums, Civic Centers or Event Centers.

- 2. No person or organization holding a special malt beverage permit shall sell any alcoholic liquor or wine other than malt beverages on the premises described on the permit, nor shall any malt beverage be sold for consumption off the premises authorized by the permit. It shall be the duty and obligation of the permit holder and the issuing body to see that no sales are made to any person under the age of twenty-one (21) years.

Liquor Licensing

Questions?





Thank you for the opportunity to present!!!!

WLD Staff

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WLD website eliquor.wyoming.gov